



PRESENT:

Mr. Sherman W. Litton, Chairman
Mr. Jack R. Wilson, III, Vice-Chairman
Mr. Russell J. Gulley
Mr. F. Wayne Bass
Mr. Daniel A. Gecker
Mr. Kirkland A. Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Glenn E. Larson, Assistant Director, Plans and Information
Branch, Planning Department
Mr. Michael E. Tompkins, Assistant Director/Zoning Administrator,
Development Review, Planning Department
Ms. Beverly F. Rogers, Assistant Director, Zoning and
Special Projects, Planning Department
Mr. Robert V. Clay, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Jane Peterson, Principal Planner, Zoning and
Special Projects, Planning Department
Ms. Teresa C. Davis, Administrative Secretary, Zoning and
Special Projects, Planning Department
Mr. Gregory E. Allen, Planning Administrator,
Development Review, Planning Department
Mr. Jeffrey H. Lamson, Senior Planner, Development
Review, Planning Department
Mr. Alan G. Coker, Senior Planner, Development
Review, Planning Department
Mr. Doug Mawby, Senior Planner, Development
Review, Planning Department
Ms. Barbara Fassett, Planning Administrator, Advance Planning
and Research Branch, Planning Department

Mr. James K. Bowling, Principal Planner, Advance Planning
and Research Branch, Planning Department
Mr. Steven F. Haasch, Senior Planner, Advance Planning and
Research Branch, Planning Department
Ms. Linda N. Lewis, Administrative Assistant, Administrative
Branch, Planning Department
Ms. Deanna D. Harkabus, Administrative Secretary,
Administrative Branch, Planning Department
Mr. David W. Robinson, Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Assistant County Attorney,
County Attorney's Office
Mr. Allan M. Carmody, Budget Manager,
Budget and Management Department
Mr. R. John McCracken, Director,
Transportation Department
Mr. Richard M. McElfish, Director,
Environmental Engineering Department
Mr. Randolph Phelps, Senior Engineer,
Utilities Department
Assistant Fire Marshal Steve Hall, Fire and Life Safety,
Fire Department
Ms. Cynthia Owens-Bailey, Director of Planning,
School Administration

WORK SESSION

At approximately 12:00 p. m., Messrs. Litton, Wilson, Gulley, Bass and staff met in Room 502 of the Chesterfield County Administration Building for lunch and a work session to discuss the following:

- A. Requests to Postpone Action, Emergency Additions or Changes in the Order of Presentation.**
- B. Review Upcoming Agendas.**
(NOTE: At this time, any rezonings or conditional uses scheduled for future meetings will be discussed.)
- C. Review Day's Agenda.**
(NOTE: At this time, any items listed for the 3:00 p. m. and 7:00 p. m. Sessions will be discussed.)
- D. Plans and Information Section Update.**
- E. Work Program – Review and Update.**
- F. Discussion Relative to Cluster Design Standards (Garage Orientation).**
- G. Appointment of Homebuilders Association of Richmond Representative to Planning Commission Committees.**
- H. Discussion of Comprehensive Plan Language – Affordable Housing.**
- I. Adjournment.**

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

B. REVIEW UPCOMING AGENDAS.

Ms. Rogers presented an overview of the Commission's upcoming agenda requests for the August 16, September 20, October 18 and November 15, 2005, Planning Commission meetings.

C. REVIEW DAY'S AGENDA.

Mr. Lamson presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p. m. Afternoon Session.

Mr. Allen presented an overview of, and staff's recommendations for, requests to be considered at the 3:00 p. m. Afternoon Session.

Ms. Rogers presented an overview of the Commission's pending caseloads for the upcoming months and presented an overview of, and staff's recommendations for, requests to be considered at the 7:00 p. m. Evening Session.

Mr. Flanigan presented an overview of, and staff's recommendation for, the proposed Code Amendment relative to the Chesapeake Bay Preservation Act Requirements of the Zoning Ordinance, scheduled for action at the 7:00 p. m. Evening Session.

Mr. Gecker arrived at the meeting at approximately 1:05 p. m.

Ms. McGee presented an overview of, and staff's recommendation for, the proposed Code Amendments relative to Changes to Public Notice Requirements, scheduled for the 7:00 p. m. Evening Session.

Mr. Tompkins presented an overview of, and staff's recommendation for, the proposed Code Amendments relative to Incidental Check Cashing Services, scheduled for the 7:00 p. m. Evening Session.

D. ADVANCE PLANNING AND RESEARCH BRANCH PROJECTS UPDATE.

Ms. Fassett updated the Commission as to the status of pending projects relative to the Chester Plan scheduled to be considered by the Board of Supervisors on July 27, 2005 and the draft Upper Swift Creek Plan, anticipated to be provided to the Commission in August 2005.

E. WORK PROGRAM.

There were no changes to the Work Program and it was the consensus of the Commission to adopt their August 2005 Work Program, as presented.

F. DISCUSSION RELATIVE TO CLUSTER DESIGN STANDARDS (GARAGE ORIENTATION).

Upon conclusion of discussion, the Commission agreed to provide staff with suggestions regarding garage door orientation so staff could better guide applicants with their proposals and asked that the information be brought back for review/discussion.

G. APPOINTMENT OF HOMEBUILDERS ASSOCIATION OF RICHMOND REPRESENTATIVE TO PLANNING COMMISSION COMMITTEES.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission appointed Mr. Tyler Craddock, Director of Public and Government Affairs for the Homebuilders Association of Richmond, to the Affordable Housing Task Force, Differential Cash Proffer Policy and Neo-Traditional Zoning District Committees.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

H. DISCUSSION OF COMPREHENSIVE PLAN LANGUAGE – AFFORDABLE HOUSING.

Upon conclusion of discussion, it was on motion of Mr. Gecker, seconded by Mr. Wilson, that the Commission set, and requested staff advertise, August 16, 2005, at 7:00 p. m., for a public hearing to consider an amendment to the Comprehensive Plan language relative to affordable housing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

I. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gecker, seconded by Mr. Wilson, that the Commission adjourned the Work Session at approximately 1:46 p. m., agreeing to reconvene in the Public Meeting Room at 3:00 p. m. for the Afternoon Session.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

3:00 P. M. AFTERNOON SESSION

Mr. Litton, Chairman, called the Afternoon Session to order at approximately 3:00 p. m. in the Public Meeting Room of the Chesterfield County Administration Building.

A. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

Mr. Turner stated that the first order of business would be the consideration of the June 21, 2005, Joint Planning Commission and Historic Preservation Committee meeting minutes and the June 21, 2005, Planning Commission regularly scheduled

B. APPROVAL OF PLANNING COMMISSION MINUTES.

♦ **JUNE 21, 2005, JOINT PLANNING COMMISSION AND HISTORIC PRESERVATION COMMITTEE MEETING MINUTES.**

On motion of Mr. Gecker, seconded by Mr. Gulley, the Commission resolved to approve the June 21, 2005, Joint Planning Commission/Historic Preservation Committee meeting minutes, as written.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

♦ **JUNE 21, 2005, PLANNING COMMISSION REGULARLY SCHEDULED MEETING MINUTES.**

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to defer the June 21, 2005, Planning Commission regularly scheduled meeting minutes to the August 16, 2005, meeting.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

C. CONSIDERATION OF THE FOLLOWING REQUESTS:

♦ **WITHDRAWAL REQUEST.**

00PR0149:* In Bermuda Magisterial District, **LAVERNE C. COLE** withdrew the request for Planning Commission approval of a site plan for an approximately 2,600 square foot convenience/fast-food building, as required by Proffered Condition 18 of zoning Case 97SN0150. This project is commonly known as **COLE C'STORE**. This request lies in a Neighborhood Business (C-2) District on a 2.138 acre parcel fronting approximately 470 feet on the north line of Route 10, also fronting approximately 210 feet on the west line of Rock Hill Road. Tax ID 797-655-3409 (Sheet 26).

Mr. LaVerne Cole, the applicant, withdrew Case 00PR0149.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission acknowledged withdrawal of Case 00PR0149, LaVerne C. Cole (Cole C'Store).

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

♦ **DEFERRAL REQUEST BY APPLICANT.**

05PR0339: In Bermuda Magisterial District, **CHESTERFIELD COUNTY PARKS AND RECREATION** requested deferral to September 20, 2005, of consideration for Planning Commission approval of a site plan, as required by Condition 4 of Case 97PR0246 for five (5) soccer fields and associated parking, drive and facilities. This project is commonly known as **LOWES SOCCER COMPLEX PHASE I AND II**. This request lies in Residential (R-9) and Community Business (C-3) Districts on a 52.2 acre parcel and a 9.9 acre parcel lying approximately 625 feet off the west line of Jefferson Davis Highway and a 16.4 acre parcel

fronting the west line of Jefferson Davis Highway at Weir Place. Tax IDs 797-651-8448 and 798-652-Part of 2856 and Part of 4613 (Sheet 26).

Mr. Mike Golden, representing the Parks and Recreation Department, requested deferral of Case 05PR0339 to the September 20, 2005, Planning Commission meeting.

No one came forward to speak in favor of, or in opposition to, the request.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to defer Case 05PR0339, Chesterfield County Parks and Recreation (Lowes Soccer Complex Phase I & II), to the September 20, 2005, Planning Commission meeting.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

♦ **CASES WHERE THE APPLICANT ACCEPTS STAFF'S RECOMMENDATION AND THERE WAS NO OPPOSITION PRESENT.**

02TS0139: In Matoaca Magisterial District, **WALTER V. MCCLURE AND DOUGLAS R. SOWERS** requested approval of an adjusted tentative subdivision plat. This development is commonly known as **COLLINGTON**. This request lies in a Residential (R-12) District on 388 acres fronting three (3) places on the west line of Springford Parkway. Tax IDs 726-661-6988; 726-662-9623; 727-661-3196, 3893, 4490, 5086, 5782, 6481, 6496, 7182, 7884, 7942, 8587 and 9289; 727-662-0328, 1116, 1436, 1610, 2106, 2239, 2621, 2702, 3324, 3414, 3642, 3927, 4010, 4246, 4606, 4732, 5026, 5203, 5219, 5712, 5802, 6509, 7002, 7229, 7413, 7703 and 7723; 728-662-2611, 3210, 3811, 4411, 5010 and 5224 (Sheet 23).

Mr. Walter McClure, one of the applicants, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved that approval of the adjusted tentative subdivision plat to allow exceptions to side yard setback requirements for Case 02TS0139, Walter V. McClure and Douglas R. Sowers (Collington), shall be and it thereby was granted, subject to the following condition:

CONDITION

Revisions to this tentative plat may be administratively approved, unless otherwise dictated by conditions of zoning.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved that approval of the adjusted tentative subdivision plat to allow exceptions to garage orientation for Case 02TS0139, Walter V. McClure and Douglas R. Sowers (Collington), shall be and it thereby was granted, subject to the following condition:

CONDITION

Revisions to this tentative plat may be administratively approved, unless otherwise dictated by conditions of zoning.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05PR0324:* In Clover Hill Magisterial District, **COLLEGIATE ACQUISITIONS** requested Planning Commission approval of a site plan for a two (2) story office building, as required by zoning Case 03SN0243. This project is commonly known as **BRANCH POINT OFFICE PARK**. This request lies in a Corporate Office (O-2) District on a four (4) acre parcel lying approximately 310 feet off the north line of Hull Street Road, west of Harbour View Court. Tax ID 727-673-1442 (Sheet 15).

Mr. Orlandus Branch, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved that approval of a site plan for a two (2) story office building as required by zoning Case 03SN0243 for Case 05PR0324, Collegiate Acquisitions (Branch Point Office Park), shall be and it thereby was granted, subject to the following conditions and review comments, including revised Condition 9, as outlined in Addendum II:

CONDITIONS

1. Add "house side" shields to the pole mounted light fixtures located north of the proposed building. (P)
2. Design the first and second floor windows to be vertically aligned to emphasize a vertical window pattern as is used on the existing building on Tax Parcel 727-673-2763. (P)
3. All windows shall incorporate a jack arch similar to that shown over the first floor windows of the proposed building. (P)
4. Establish a short roof overhang where the exterior wall meets the overhang of the roof to reflect the treatment accomplished in the existing building on Tax Parcel 727-673-2763. Although a gutter system is not used on the existing building, a gutter system may be used for the proposed building. (P)
5. Change the proposed brick to be a brick color similar to that used in the existing building on Tax Parcel 727-673-2763. (P)
6. Either remove the horizontal accent banding or apply the horizontal banding as different brick patterns that are the same color as the primary brick on the building. (P)
7. Apply accented brick quoins at all outer corners of the building and emphasize the jack arches with the same accent brick. (P)

8. Submit a sign package that uses unlighted signs on any portion of the building visible to the Watch Hill neighborhood. (P)
9. Extend a six (6) foot high solid wood fence along the top of the retaining wall at the north edge of the parking lot closest to the Watch Hill neighborhood, and running the full width of the parking lot exclusive of side yard setbacks. The "Good Neighbor" side of the fence shall face the neighborhood. The bottom of the fence shall be no lower than one (1) foot below the final grade of the adjacent parking lot. (P)
10. Prior to final administrative site plan release, the following site plan review comments shall be satisfactorily addressed. (P,U&HN)
11. A row of Leyland Cypress, seven (7) feet tall with trees spaced at ten (10) feet on center, shall be installed from the northwest corner of the property along the rear property line to a point that the existing woods extend the full depth of the fifty (50) feet wide buffer. (CPC)
12. The solid waste storage containers on site shall not be serviced between the hours of 9:00 p.m. and 9:30 a.m. (CPC)

REVIEW COMMENTS

1. Clarify on the lighting cut sheets that a sodium vapor light source is used and show the wattage that is proposed. (P)
2. Provide an irrigation and/or hose bib plan that shows that all proposed plant materials can be watered. (P)
3. Identify on the architectural elevations that the roof shingles are dimensional asphalt shingles of a substantially similar color to the existing building to the east. (P)
4. Identify all materials and colors used on the exterior of the building. (P)
5. On the revised elevations, show the mechanical equipment in the roof well in relief behind the false roof to verify that no equipment is higher than the top of the false roof, and re-verify that the building does not exceed the maximum thirty (30) feet in height. (P)
6. Show that the proposed retaining walls shall be compatible in color with the proposed office building or be a neutral earth tone (not gray). (P)
7. Reverse the planting locations of the Leyland Cypress and the deciduous trees between the parking lot and the buffer. The Leyland Cypress should be located on the uphill side and to the south of the proposed plantings, and the deciduous trees will supplement the existing trees in the buffer. (P)
8. Add an eight (8) inch valve after the second 22.5 degree bend at the property line. (U)

9. Show the irrigation meter to be served from the six (6) inch waterline to the double check assembly, before the ninety (90) degree bend. Shift the one (1) inch backflow device from the domestic meter to the irrigation meter. (U)
10. Show the radius of the curve in the waterline before the bends. Radius to be 300 feet or more. (U)
11. We will allow the waterline to cross over the sanitary sewer past manhole #1 with three (3) feet of cover at that spot only. Note on plan and sewer profile. Also show a full length of ductile iron sewer pipe to be centered on the crossing. (U)
12. Show direction-of-flow arrows on the existing and proposed sewer. (U)
13. Sewage will have to be pumped from manhole #3 to manhole #2 during sewer construction. Show a note to this effect. (U)
14. Show the resultant distances from proposed manhole #1 to each existing manhole (#3 and #2). (U)
15. Show the coordinates for manhole #1, #2, and #3, and a bearing on the two (2) runs of sewer from manhole #3 to manhole #2. (U)
16. Obtain approval for street name through Richmond Regional Planning District. (HN)
17. Show location of street address sign and add a detail for the sign on the plan if the address is not located on the building's freestanding sign. (HN)
18. A footprint of the floor plan must be submitted prior to release of the land disturbance permit so that addresses can be assigned. (HN)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05PR0383: In Clover Hill Magisterial District, **LENNY ELLIS, ELLIS REALTY, LLC** requested Planning Commission approval of a landscape plan, per zoning Case 87S016. This project is commonly known as **OAK LAKE - ELLIS REALTY, LLC**. This request lies in a Light Industrial (I-1) District on a 4.51 acre parcel fronting approximately 365 feet on the east line of Wilfong Drive, also fronting approximately 925 feet on the west line of Oak Lake Boulevard. Tax ID 736-690-8093 (Sheet 10).

Mr. Preston Dalrymple, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Bass, the Commission resolved that landscape plan approval for the proposed Oaklake Ellis Office Warehouse site as required by Condition 5(a) and Textual Statement Condition 2 of zoning Case 87S016 for Case 05PR0383, Lenny Ellis, Ellis Realty, LLC (Oak Lake - Ellis Realty, LLC), shall be and it thereby was granted, subject to the following condition:

CONDITION

The entire front yard setback shall be irrigated using an automatic sprinkler system.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

D. FIELD TRIP AND DINNER.

♦ FIELD TRIP SITE SELECTION.

The Commission agreed to forego their Field Trip to visit requests sites.

♦ DINNER LOCATION.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to meet for dinner at John Howlett's Tavern at 5:00 p. m.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

E. ADJOURNMENT.

At approximately 3:12 p. m., it was on motion of Mr. Wilson, seconded by Mr. Litton, that the Commission adjourned the Afternoon Session, agreeing to meet at 5:00 p. m. for dinner at John Howlett's Tavern.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

During dinner, there was discussion pertaining to various rezoning and Conditional Use request sites.

7:00 P. M. EVENING SESSION

At approximately 7:00 p. m., Mr. Litton, Chairman, called the Evening Session to order.

A. INVOCATION.

Mr. Gulley presented the invocation.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA.

Mr. Clay led the Pledge of Allegiance to the Flag.

C. REVIEW MEETING PROCEDURES.

Mr. Turner apprised the Commission of the agenda for the upcoming months, noting the August 16, 2005, agenda was comprised of ten (10) cases, the September 20, 2005, agenda was comprised of fifteen (15) cases; the October 18, 2005, agenda was comprised of fifteen (15) cases and the November 15, 2005, agenda was comprised of three (3) cases.

D. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission amended the agenda to move Case 05SN0282, J. K. Timmons to the first case on the Discussion Agenda.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

E. CONSIDERATION OF THE FOLLOWING REQUESTS:

◆ REQUEST FOR DEFERRAL BY APPLICANT.

05SR0259: In Matoaca Magisterial District, **MICHAEL SIBLEY AND RITA SIBLEY** requested deferral to October 18, 2005, of consideration for renewal of Conditional Use (Case 02AN0230) and amendment of zoning district map to allow a business (cabinet making) operated incidental to a dwelling unit. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies in an Agricultural (A) District on 10.0 acres and is known as 8825 Woodpecker Road. Tax ID 760-644-7168 (Sheet 33).

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, requested deferral to the September 20, 2005, Planning Commission public hearing.

Mr. Wilson noted the September 20th caseload was already comprised of fifteen (15) cases, noted the three (3) Wal-Mart requests, scheduled for public hearing in October, would most likely be withdrawn; and, therefore, suggested a deferral of this request to the October 18 meeting, provided the applicant concurred.

Mr. Rudy stated deferral to the October 18, 2005, meeting was acceptable.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission suspended their By-Laws to increase the October 18, 2005, Evening Session caseload from fifteen (15) to sixteen (16) cases.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Bass, seconded by Mr. Wilson, the Commission resolved to defer Case 05SR0259 to the October 18, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **REQUEST FOR DEFERRAL BY STAFF.**

05SN0206:* In Bermuda Magisterial District, **DR. TAYLOR LYNE AND DR. GEORGEANNA M. LYNE** requested rezoning and amendment of zoning district map from Agricultural (A) and Corporate Office (O-2) to Community Business (C-3) with Conditional Use to allow outside runs. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use. This request lies on 7.3 acres fronting approximately 550 feet on the north line of Iron Bridge Road, also fronting approximately 500 feet on the west line of Chalkley Road and located in the northwest quadrant of the intersection of these roads. Tax IDs 778-653-8082 and 779-653-1379 (Sheet 26).

Mr. Litton stated his firm had performed the engineering for this request, declared a conflict of interest pursuant to the Virginia Conflict of Interest Act and excused himself from the meeting at approximately 7:07p.m.

Mr. Wilson Enochs, the applicant's representative, did not accept staff's recommendation for deferral to the October meeting but did accept Mr. Wilson's suggestion to defer the request to the August 16, 2005, meeting.

There was no opposition to the deferral.

The following motion was made at the applicant's request.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to defer Case 05SN0206 to the August 16, 2005, Planning Commission public hearing.

AYES: Messrs. Wilson, Gulley, Bass and Gecker.
ABSENT: Mr. Litton.

Mr. Litton returned to the meeting at approximately 7:08 p. m.

◆ **REQUEST FOR DEFERRAL BY INDIVIDUAL COMMISSIONER.**

05SN0269: In Bermuda Magisterial District, **CHARLENE OLIVER-DOWNS** requested Conditional Use and amendment of zoning district map to permit a family day care home in a Residential (R-25) District. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for residential use of 1-5 acre lots, suited to R-88 zoning. This request lies on 1.1 acres and is known as 7113 Creekbluff Ridge Drive. Tax ID 771-644-7316 (Sheet 33).

Mr. Wilson stated he wished to defer the request to allow staff, the applicant, area citizens and himself an opportunity to meet to discuss the proposal.

Ms. Charlene Oliver-Downs, the applicant, accepted the recommendation for deferral by the District Commissioner.

There was no opposition to the deferral.

The following motion was made at Mr. Wilson's request.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission, on their own motion, resolved to defer Case 05SN0269 to the August 16, 2005, Planning Commission public hearing.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

♦ **REQUESTS WHERE THE APPLICANT ACCEPTS THE RECOMMENDATION AND THERE IS NO OPPOSITION PRESENT.**

05SN0262: In Midlothian Magisterial District, **RICHMOND THERAPY CONSULTANTS** requested amendment to rezoning (Case 97SN0220) and amendment of zoning district map to allow pediatric clinics/offices and schools. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for planned transition area use. This request lies in a Corporate Office (O-2) District on 6.1 acres and is known as 400 Coalfield Road. Tax ID 727-705-7582 (Sheet 5).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 05SN0262 and acceptance of the following proffered condition:

PROFFERED CONDITION

Uses shall be restricted to those allowed by Proffered Condition 7 of Case 97SN0220 except that the following additional uses shall be permitted:

- a. Pediatric clinics/offices
- b. Schools, public and private. (P)

(STAFF NOTE: This condition is in addition to Proffered Condition 7 of Case 97SN0220. All other conditions of approval for Case 97SN0220 remain in effect.)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0265: In Midlothian Magisterial District, **J. P. ALLISON LLC** requested amendment of Conditional Use Planned Development (Case 88SN0257) and amendment of zoning district map relative to setbacks for child care center uses. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for office use. This request lies in a Corporate Office (O-2) District on 2.6 acres located at the northwest quadrant of the intersection of North Providence and Buford Roads. Tax ID 759-707-Part of 4222 (Sheet 7).

Mr. Andy Scherzer, the applicant's representative, accepted staff's recommendation.

Mr. Litton opened the discussion for public comment.

Mr. Aubrey Hall, an adjacent property owner, stated he did not oppose the request but expressed concerns relative to runoff and trash from the proposed development impacting his pond.

In response to Mr. Hall's concerns, Mr. McElfish explained the BMP facility was designed for ultimate drainage of the area and would not adversely impact adjacent properties.

There being no one else to speak, Mr. Litton closed the public comment.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 05SN0265 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. All uses located within 200 feet of the northern boundary shall be limited to those uses permitted in the Office Business (O) District and child care centers. Uses permitted on the remaining portion of the property shall be limited to the following:
 - a. All uses permitted in the Office Business (O) District.
 - b. Art school, gallery, or museums.
 - c. Banks and savings and loan associations provided such uses are confined to the southwestern portion of the property between the Providence Road access and Twinridge Lane.
 - d. Barber shop.
 - e. Beauty shop.
 - f. Brokerage.
 - g. Medical clinics provided such uses are not designed to accommodate ambulance traffic.
 - h. Messenger or telegraph service.
 - i. Nursery schools, child or adult day care centers, and kindergartens.
 - j. Optometrists sales and services provided that the sales and servicing of eyewear is done by an optometrist as an accessory use in conjunction with a medical practice; and not more than fifteen (15) percent of the gross floor area is devoted to such sales and services.
 - k. Rest, nursing, and convalescent homes.
 - l. Travel arranging and transportation ticket services.
 - m. Communication studios and stations (not towers).
 - n. Laboratories – medical and dental.
 - o. Office/warehouses provided there are no raised loading docks or tractor trailer traffic no more than thirty (30) percent of any office/warehouse space shall be used for retail sales as an accessory use. (P)

(Staff Note: This proffered condition supersedes Condition 4 of Case 88SN0257 for the request property. Except for Condition 4, all other conditions of Case 88SN0257 shall remain in effect.)

2. A combination of grading, plantings, and a solid board fence shall be provided adjacent to Tax ID 759-707-0504 (containing eighty three (83) office condominium units, commonly known as Twin Ridge Office Condos) so as to screen the view of any children's play areas from this adjacent parcel as well as to minimize the noise impact of these play areas upon this adjacent parcel. The exact screening and noise abatement treatment, to include grading, plant size and species and fence materials and height, shall be reviewed and approved by the Planning Department at time of site plan approval. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0266: In Bermuda Magisterial District, **GREENBRIAR DEVELOPMENT LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to 3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for residential use of 2.51-4.0 units per acre. This request lies on 14.3 acres fronting approximately 300 feet on the north line of Heritage Drive approximately 1,250 feet west of Harrowgate Road. Tax ID 792-639-3943 (Sheet 34).

Mr. Larry Horton, the applicant's representative, accepted staff's recommendation.

Mr. Mike Uzel, representing the Heritage Neighborhood Association, stated there was no objection to the proposal provided the proffered conditions remained intact.

Mr. Litton opened the discussion for public comment.

There being no one else to speak, Mr. Litton closed the public comment.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 05SN0266 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. The public water and wastewater systems shall be used. (U)
2. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department and the approved devices installed. (EE)
3. All exposed portions of the foundation of each dwelling unit shall be faced with brick or stone veneer. (BI&P)
4. The minimum gross floor area for one (1) story dwelling units shall be 1,600 square feet and dwelling units with more than one story shall have a minimum gross floor area of 1,800 square feet. (BI&P)

5. The applicant, subdivider or assignee(s) shall pay the following to the County of Chesterfield prior to the issuance of building permit for infrastructure improvements within the service district for the property:
 - a. \$11,500 per dwelling unit, if paid prior to July 1, 2005; or
 - b. The amount approved by the Board of Supervisors not to exceed \$11,500 per dwelling unit adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2004 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005
 - c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
6. Other than a private drive(s) to serve one (1) dwelling unit located on Tax ID 792-639-3943, there shall be no access from the property to Heritage Drive. (T&P)
7. The overall average lot size of the development shall be a minimum of 20,150 square feet. (P)
8. The development shall not exceed a density of 1.85 dwelling units per acre. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0272: In Bermuda Magisterial District, **SCHOOLHOUSE LLC** requested rezoning and amendment of zoning district map from Residential (R-7) to Neighborhood Business (C-2). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for mixed use: neighborhood office and single family residential uses. This request lies in a Residential (R-7) District on 0.3 acre and is known as 3909 West Hundred Road. Tax ID 790-655-8954 (Sheet 26).

Mr. Oliver D. "Skitch" Rudy, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gulley, the Commission resolved to recommend approval of Case and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Owner-Applicant in this zoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffer that the development of the property known as Chesterfield County Tax ID 790-655-8954-00000 (the "Property") under consideration will be developed according to the following conditions if, and only if, the rezoning request for C-2 is granted. In the event the request is denied or approved with conditions not agreed to by the Owner-Applicant, these proffers and conditions shall be immediately null and void and of no further force or effect.

1. Prior to site plan approval, a forty-five (45) foot right-of-way on the south side of Route 10, measured from the centerline of that part of Route 10 immediately adjacent to the property, shall be dedicated free and unrestricted to and for the benefit of Chesterfield County. (T)
2. No direct access shall be provided from the property to Route 10.
3. Access shall be limited to one (1) access off of Petersburg Street at rear southern property line. (T)
4. The property shall not be used for the following uses:
 - (1) Appliance stores.
 - (2) Department stores.
 - (3) Funeral homes or mortuaries.
 - (4) Motor vehicle accessory stores.
 - (5) Pet shops, including pet grooming.
 - (6) Rest, convalescent or nursing homes and other group care facilities.
 - (7) Sewing machine sales, instruction and services. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0275: In Bermuda Magisterial District, **THOMAS ROHLK AND LEANNE ROHLK** requested rezoning and amendment of zoning district map from Neighborhood Business (C-2) to Community Business (C-3). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for neighborhood commercial use. This request lies in a Neighborhood Business (C-2) District on 0.8 acre fronting approximately 140 feet on the north line of West Hundred Road approximately 150 feet west of Ecoff Avenue. Tax ID 787-653-5686 (Sheet 26).

Mr. Thomas Rohlk, one of the applicants, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 05SN0275 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Direct access from the property to Route 10 shall be limited to one (1) entrance/exit. The exact location of this access shall be approved by the Transportation Department. (T)
2. Uses permitted on the property shall be limited to the following:
 - a. Uses permitted by right or with restrictions in the Neighborhood Business (C-2) District.
 - b. Veterinary hospital, provided there are no outside runs. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0281: In Bermuda Magisterial District, **MARK A. LANDA** requested rezoning and amendment of zoning district map from Light Industrial (I-1) and General Industrial (I-2) to General Business (C-5). The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use. This request lies on 6.0 acres fronting approximately 350 feet on the north line of Ruffin Mill Road approximately 1,500 feet east of Interstate 95. Tax ID 805-638-7523 (Sheet 35).

Mr. Mark A. Landa, the applicant, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 05SN0281 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. The public wastewater system shall be used. (U)
2. Prior to any site plan approval, forty-five feet of right of way on the north side of Ruffin Mill Road, measured from the centerline of that part of the roadway immediately adjacent to the property, shall be dedicated free and unrestricted to an for the benefit of Chesterfield Co. (T)
3. Direct access from the property to Ruffin Mill Rd. shall be limited to one entrance/exit. The exact location of this entrance /exit shall be approved by the Transportation Dept. (T)
4. Prior to the issuance of a certificate of occupancy, an additional lane of pavement shall be constructed along Ruffin Mill Rd. for the entire property frontage. Any additional right-of-way (or easements) required for this improvement shall be dedicated free and unrestricted to an for the benefit of Chesterfield County. (T)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0283: In Bermuda Magisterial District, **CHESTERFIELD MEADOWS SHOPPING CENTER ASSOC., L.P., LLP AND ASSOC. III, L.L.C. AND UKROPS SUPERMARKETS, INC.** requested amendment of Conditional Use Planned Development (Cases 84S082 and 87S024) and amendment of zoning district map to delete square footage limitations for stores. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for community mixed use. This request lies in a Neighborhood Business (C-2) District on 21.6 acres fronting in three (3) places for approximately 950 feet on the east line of Iron Bridge Road, approximately 800 feet on the south line of Centralia Road and on the north and south lines of Chesterfield Meadows Drive and located at the intersection of these roads. Tax IDs 773-659-5196 and 773-660-4170, 6298, 7640 and 8800 (Sheet 25).

Ms. Ashley Harwell, the applicant's representative, accepted staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Bass, the Commission resolved to recommend approval of Case 05SN0283, subject to the following condition:

CONDITION

All references to the maximum gross square footage for stores contained in Condition 18 of Case 84S082 and Condition 4 of Case 87S024 shall be deleted.

(Note: This condition modifies Condition 18 of Case 84S082 and Condition 4 of Case 87S024 for the subject property only.)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **CODE AMENDMENTS:**

◆ **CHESAPEAKE BAY PRESERVATION ACT.**

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An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Sections 19-25, 19-232, 19-233, 19-236, and 19-301 relating to the Chesapeake Bay Preservation Act ("Act") requirements of the Zoning Ordinance. The amendments would: (1) provide for a fee to make an application to the Board of Supervisors under Section 19-235 seeking an exception to the Resource Protection Area ("RPA") regulations of 19-232; (2) clarify that the Director of Environmental Engineering must follow certain criteria in granting administrative exceptions to allow encroachments into RPA buffer areas; (3) clarify that apartments are not exempt from the requirements for the maintenance of Best Management Practice facilities ("BMPs"), except for the requirement for a surety bond, letter of credit or cash escrow for the BMPs; (4) clarify that agricultural uses must perform soil and water quality conservation assessments; (5) clarify that an administrative exception for the enlargement, extension, reconstruction, substitution or structural alteration of a non-conforming structure is available only for a principal structure, not an accessory structure; and (6) amend the definitions of "highly erodible soils" and "highly permeable soils" and add a definition of "public road" in order to conform definitions to State required regulations.

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Mr. Flanigan presented an overview of the proposed Amendment and staff's recommendation, including modifications suggested by the Commission.

No one came forward to speak in favor of, or in opposition to, the request.

Mr. Wilson stated he had philosophical concerns relative to the proposal; however, as submitted, his concerns had been addressed.

Mr. Litton stated he reluctantly supported the proposal, as submitted, with the modifications.

On motion of Mr. Wilson, seconded by Mr. Gecker, the Commission resolved to recommend approval of the following Code Amendment:

(1) That Sections 19-25, 19-232, 19-233, 19-236, and 19-301 of the Code of the County of Chesterfield, 1997, as amended, be amended and re-enacted to read as follows:

Sec. 19-25. Fees.

The following fees, which include the costs of hearings, advertisements and notices when required, shall be deposited simultaneously with the filing of the application:

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- (l) Modifications to development standards and requirements:
 - (1) Any request for R, R-TH, R-MF, MH or A uses . . . 300.00
 - (2) Any request for O, I or C uses . . . 240.00
 - (m) Application to Board of Supervisors for RPA exception per 19-235(b)(2) . . .
 - (1) exception for one lot or parcel used or intended to be used for a single family dwelling and accessory uses...\$300
 - (2) all other exceptions ...\$1,500
 - ~~(m)~~ (n) Deferral/remand requests by the applicant, per request:
 - (1) Remand request to planning commission:
 - a. Any request for R, R-TH, R-MF, MH or A uses . . . 50 percent of original case fee

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Sec. 19-232. Resource protection area regulations.

In addition to the general performance criteria set forth in section 19-233, the criteria in this section are applicable in resource protection areas.

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- (d) Permitted encroachments into the RPA buffer area.
 - (1) When the application of the RPA buffer area would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, encroachments into the RPA buffer area may be ~~allowed through an administrative process, permitted by the director of environmental engineering.~~ A written request shall identify the impact of the proposed exception on water quality, on public safety and on lands within the resource protection area through the completion of a water quality impact assessment that complies with section 19-232(e) and shall be in accordance with the following criteria:
 - a. Encroachments into the RPA buffer area shall be the minimum necessary to achieve a buildable area for a principal structure and necessary utilities.
 - b. Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the RPA buffer area encroachment, and is equal to the area of encroachment into the RPA buffer area shall be established elsewhere on the lot or parcel.

c. The encroachment may not extend into the seaward 50 feet of the RPA buffer area.

~~d. A written request for an exception to this division's requirements shall be made to the director of environmental engineering. It shall identify the impact of the proposed exception on water quality, on public safety and on lands within the resource protection area through the completion of a water quality impact assessment that complies with section 19-232 (e).~~

(2) When the application of the RPA buffer area would result in the loss of a buildable area on a lot or parcel recorded between October 1, 1989 and March 1, 2002, encroachments into the RPA buffer area may be allowed through an administrative process in accordance with the following criteria:

a. The lot or parcel was created as a result of a legal process conducted in conformity with the county's subdivision ordinance;

b. Conditions or mitigation measures imposed through a previously approved exception shall be met;

c. If the use of a Best Management Practice (BMP) was previously required, the BMP shall be evaluated to determine if it continues to function effectively and, if necessary, the BMP shall be reestablished or repaired and maintained as required;

d. The requirements of section 19-232(d)(1) shall be met.

(3) When the application of the RPA buffer area would result in the loss of a buildable area on a lot or parcel created as the result of bankruptcy, condemnation or threat of condemnation, judicial partition or judicial action relating to a decedent's estate, encroachments into the RPA buffer area may be allowed through an administrative process in accordance with the requirements of 19-232(d)(2)(b), (c) and (d).

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Sec. 19-233. General performance criteria.

Any use, development or redevelopment of land within a Chesapeake Bay preservation area shall meet the following performance criteria:

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(g) Where the best management practices utilized in a commercial development require regular or periodic maintenance in order to continue their functions, such maintenance shall be ensured by a maintenance/easement agreement, commercial surety bond, bank letter of credit or other assurance satisfactory to the director of environmental engineering.

Where the best management practices utilized for a residential development require regular or periodic maintenance in order to continue their functions, such maintenance shall be ensured by a commercial surety bond, bank letter of credit or cash escrow in an amount equal to \$100.00 for each dwelling unit in a residential development. The requirement for a surety bond, bank letter of credit or cash escrow excludes apartment developments outside the Swift Creek Reservoir Watershed. The form of any bond or letter of credit provided pursuant to this section shall be subject to approval by the county attorney.

- (h) Land on which agricultural activities are being conducted, including but not limited to crop production, pasture, and dairy and feedlot operations, shall have a soil and water quality conservation assessment conducted that evaluates the effectiveness of existing practices pertaining to soil erosion and sediment control, nutrient management, and management of pesticides and, where necessary, results in a plan that outlines additional practices needed to ensure that water quality protection is being accomplished consistent with the Chesapeake Bay Preservation Act and this division.
- (i) RMA performance criteria shall not apply to land used for agricultural purposes, **except for the requirements in subsection (h) above.**

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Sec. 19-236. Nonconforming uses, vested rights and other exceptions.

- (1) In addition to the requirements of this chapter, no use which is nonconforming to the requirements of this division, in a Chesapeake Bay preservation area, shall be enlarged, extended, reconstructed, substituted or structurally altered unless the director of environmental engineering grants an exception pursuant to section 19-235, and also finds that:
 - (a) There will be no net increase in the nonpoint source pollution load; and
 - (b) Any development or land disturbance exceeding an area of 2,500 square feet complies with all erosion and sediment control requirements of chapter 8 and division 4 of article IV of this chapter.

This exception for non-conforming uses is not available **for the expansion of** accessory structures.

- (2) This division shall not be construed to prevent the reconstruction of pre-existing structures, **including accessory structures,** within Chesapeake Bay Preservation Areas from occurring as a result of casualty loss unless otherwise restricted by applicable ordinance.
- (3) The provisions of this division shall not affect the vested rights of any landowner under existing law.
- (4) The provisions of this division shall not be construed to require or allow the taking of private property for public use without just compensation.

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Sec. 19-301. Definitions.

For the purposes of this chapter, the following words and phrases shall have the following meanings:

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Highly erodible soils: Soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than 8. The erodibility index for any soil is defined as the product of the formula $RKLS/T$, as defined by the "Flood Security Act (F.S.A.) Manual" of August 1988, as amended, in the "Field Office Technical Guide" of the U.S. Department of Agriculture Soil Conservation Service, where K is the soil susceptibility to water erosion in the surface layer, R is the rainfall and runoff, LS is the combined effects of slope length and steepness, and T is the soil loss tolerance.

Highly permeable soils: Soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soils having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile to a depth of 72 inches (permeability groups "rapid" and "very rapid") as found in the "National Soils Handbook" of July 1983, as amended, November 1996 in the "Field Office Technical Guide" of the U.S. Department of Agriculture Soil Natural Resources Conservation Service.

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Public road: A publicly owned road designed and constructed in accordance with water quality protection criteria at least as stringent as requirements applicable to the Virginia Department of Transportation, including regulations promulgated pursuant to (i) the Erosion and Sediment Control Law (§ 10.1-560 et seq. of the Code of Virginia) and (ii) the Virginia Stormwater Management Act (§ 10.1-603.1 et seq. of the Code of Virginia). This definition includes those roads where the Virginia Department of Transportation exercises direct supervision over the design or construction activities, or both, and cases where secondary roads are constructed or maintained, or both, by a local government in accordance with the standards of that local government. This definition applies only to Article IV, Division 4 (Chesapeake Bay Preservation Areas) of this chapter.

(2) *That this ordinance become effective immediately upon adoption.*

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ NOTIFICATION FOR PUBLIC HEARINGS.

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An ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Sections 19-1 and 19-26 of the Zoning Ordinance relating to public hearings, notifications, posting of property and the specified purposes of the Zoning Ordinance. Specifically, as required by State law, the amendments to Section 19-26 would require that the County provide written notice of certain zoning and

other land use applications to: (i) owners of licensed public-use airports when the parcel involved is located within 3,000 feet of the airport, (ii) commanders of certain military installations under the same circumstances, and (iii) owners of all parcels that are affected by Zoning Ordinance textual changes that would decrease the allowable dwelling unit density of the parcels. Further, the amendments to Section 19-1 would reflect proposed changes (i) and (ii) above within the specified and listed purposes of the Zoning Ordinance.



Ms. McGee presented an overview of the proposed Amendment and staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gulley, seconded by Mr. Gecker, the Commission resolved to recommend approval of the following Code Amendment:

(1) That Sections 19-1 and 19-26 of the Code of the County of Chesterfield, 1997, as amended, be amended and re-enacted to read as follows:

Sec. 19-1. Purpose of chapter.

The purpose of this chapter is to promote the health, safety, convenience and general welfare of the public and to accomplish the objectives of Code of Virginia, §§ 15.2-2200 and 15.2-2283. To these ends, this chapter is designed:

- (1) To provide for adequate light, air, convenience of access, and safety from fire, flood, crime and other dangers or conditions.
- (2) To reduce or prevent congestion in the public streets.
- (3) To facilitate the creation of a convenient, attractive and harmonious community.
- (4) To facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, waste water, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements.
- (5) To protect against destruction of or encroachment upon historic areas.
- (6) To protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic or other dangers or conditions.
- (7) To encourage economic development activities that provide desirable employment and enlarge the tax base.

(8) To provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment.

(9) To protect surface water and groundwater.

(10) To protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities.

(11) To promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the locality as well as a reasonable proportion of the current and future needs of the planning district within which the locality is situated; and

(12) To provide reasonable protection against encroachment upon licensed public-use airports, as well as military bases, military installations, and military airports and their adjacent safety areas, excluding armories operated by the Virginia National Guard.

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Sec. 19-26. Hearings; notification and posting of property.

(a) The adoption of any comprehensive plan, zoning district map or ordinance or amendment thereto; any request for zoning approval; appeal of a decision by the planning director or other administrative officer to the board of zoning appeals; application for interpretation of the district map to the board of zoning appeals; or application for creation of a historic district, or the designation of landmark and landmark sites shall be advertised by reference, giving a descriptive summary of the proposed action and the place or places within the county where copies of the proposed action may be examined. In the case of proposed action which involves an amendment to the zoning district map, the public notice shall state the general usage and density range of the proposed amendment and the general usage and density, if any, set forth in the applicable part of the comprehensive plan. None of the above-referenced actions shall be acted upon until notice of the intention to do so has been published once a week for two successive weeks in a newspaper published or having general circulation in the county. Such notices shall specify the time and place of hearing at which persons affected may appear and present their views, and such hearing shall be held not less than five days nor more than 21 days after final publication.

(b) The director of planning shall, at least 21 days before the date of the first hearing on any request for zoning, or appeal of a decision by the planning director or other administrative officer to the board of zoning appeals, post on the land or building involved in any application or appeal, a notice of the public hearing as follows:

(1) The notice shall be posted at reasonable intervals along streets abutting the subject property, or, if there is no abutting street, then at the proposed public street entrance to the property. The notice shall be posted in locations so as to be reasonably visible from public roads.

(2) Neither the holding of any public hearing, nor the validity of any action on an application or an appeal, shall be affected by the unauthorized removal of a notice which has been duly posted in accordance with this section.

- (c)(1) With regard to any action referred to in subsection (a) above, except amendments to the comprehensive plan, the owner of the affected parcel, as identified in the assessor's records, and the property owners identified in section 19-24(c) shall be given not less than 15 days' written notice sent by registered, certified or first class mail for any hearing on any such action. If the written notice is provided by first class mail, the director of planning shall make affidavit that the mailings have been made and file the affidavit with the papers in the case. If the public hearing is continued or deferred to a date that has not previously been advertised, notice shall be remailed. If the public hearing is continued or deferred to a date that has been previously advertised or if the public hearing is closed and the decision deferred to a later date, notice need not be remailed.
- (2) With regard to any action involving a change to the applicable zoning ordinance text regulations that decreases the allowed dwelling unit density of ~~more than 25~~ any parcels of land, the owner of the affected parcels, as identified in the assessor's records, shall be given not less than 15 days' written notice sent by registered, certified or first class mail for any hearing on any such action. Written notice of such changes to zoning ordinance text regulations shall not have to be mailed to the owner of lots shown on a subdivision plat approved and recorded pursuant to the provisions of the Chesterfield County Subdivision Ordinance where such lots contain less than 11,500 square feet. If the written notice is provided by first class mail, the director of planning shall make affidavit that the mailings have been made and file the affidavit with the papers in the case. If the public hearing is continued or deferred to a date that has not previously been advertised, notice shall be remailed. If the public hearing is continued or deferred to a date that has been previously advertised or if the public hearing is closed and the decision deferred to a later date, notice need not be remailed.
- (3) With regard to any action referred to in sections 19-16 and 19-17, written notice of any public hearing on an application to amend a zoning condition or rezone property shall be given to the last known representatives of all civic associations on the Civic Association Notice List filed with the planning department operating within the area encompassed by the property which is subject to the original zoning or condition and to all property owners of record with the assessor's office whose property was subject to the original zoning or condition and whose property is located within 1,500 feet of the property which is the subject of the application.

(d) When a proposed comprehensive plan or amendment thereto, a proposed change in zoning district map classification, an application for creation of a historic district or the designation of landmarks and landmark sites or an application for special exception or variance involves any parcel of land located within one-half mile of a boundary of an adjoining county or municipality, then, in addition to the advertising and written notification required above, written notice shall also be given at least ten days before the hearing to the chief administrative officer or his designee, of such adjoining county or municipality.

(e) When (i) a proposed comprehensive plan or amendment thereto, (ii) an application for zoning approval, (iii) an application for interpretation of the district map to the board of zoning appeals, (iv) an application for creation of a historic district, or (v) the designation of landmark and landmark sites,

involves any parcel of land located within 3,000 feet of a boundary of a military base, military installation, military airport, excluding armories operated by the Virginia National Guard or licensed public-use airport, then, in addition to the advertising and written notification as above required, written notice shall also be given by the local commission, or its representative, at least 10 days before the hearing to the commander of the military base, military installation, military airport, or owner of such public-use airport, and the notice shall advise the military commander or owner of such public-use airport of the opportunity to submit comments or recommendations.

~~(e)~~(f) Posting and notification of adjacent property owners, as outlined in this section, shall not be required when:

- (1) The hearing involves an application for zoning approval of 26 or more parcels of land initiated by resolution of the planning commission or board of supervisors; or
- (2) On appeal when the appeal involves 26 or more parcels of land; or
- (3) The hearing involves an appeal concerning no specific property.

~~(f)~~(g) A party shall be deemed to have waived the right to challenge the validity of proceedings for which written notice is required if the party does not receive the required written notice, but the party has actual notice of, or actively participates in, the proceedings.

(2) *That this ordinance become effective immediately upon adoption.*

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

◆ **INCIDENTAL CHECK CASHING SERVICES.**

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An Ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and re-enacting Sections 19-145 and 19-301 of the Zoning Ordinance relating to incidental check cashing services. Section 19-145 would be amended to include incidental check cashing services as a use permitted with certain restrictions in commercial zoning districts. Section 19-301 would be amended to define "incidental check cashing services" as the cashing of checks, drafts or money orders for compensation, other than "check cashing establishments."

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Mr. Tompkins presented an overview of the proposed Code Amendment, including suggested modifications by the Planning Commission and staff's recommendation.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to recommend approval of the following Code Amendment:

(1) That Sections 19-145 and 19-301 of the Code of the County of Chesterfield, 1997, as amended, be amended and re-enacted to read as follows:

Sec. 19-145. Uses permitted with certain restrictions.

The following uses shall be permitted in the C-1 District subject to compliance with the following conditions and other applicable standards of this chapter. If the following restrictions cannot be met, these uses may be allowed by conditional use, subject to the provisions of section 19-13:

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(h) Incidental check cashing services, provided that such use:

- (1) is accessory;
- (2) does not display signs visible from the exterior of the building;
- (3) is located internal to the primary structure occupied by the permitted uses; and
- (4) does not have separate exterior access open to the public.

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Sec. 19-301. Definitions.

For the purposes of this chapter, the following words and phrases shall have the following meanings:

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Check cashing services, incidental: Cashing of checks, drafts or money orders for compensation, other than "check cashing establishments."

(2) *That this ordinance become effective immediately upon adoption.*

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

♦ **REQUESTS WHERE THE APPLICANT DOES NOT ACCEPT THE RECOMMENDATION AND/OR THERE IS PUBLIC OPPOSITION PRESENT.**

05SN0282: In Midlothian Magisterial District, **J. K. TIMMONS** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-15). Residential use of up to 2.9 units per acre is permitted in a Residential (R-15) District. The Comprehensive Plan suggests the property is appropriate for residential use of 1.01 to 2.5 units per acre. This request lies on 6.0 acres fronting approximately 550 feet on the west line of Winterfield Road approximately 1,050 feet south of Elmstead Road. Tax IDs 725-711-9629 and 726-711-1622 (Sheet 5).

Mr. Clay presented an overview of the request and staff's recommendation, subject to the applicant addressing concerns relative to density and average lot size. He referenced the Addendum, noting that on July 18, 2005, the applicant submitted revisions to Proffered Conditions 11 and 12, which were combined and renumbered as Proffered Condition 11.a. and b. He stated Proffered Condition 11 currently required the recordation of restrictive covenants relative to the architectural materials of chimneys and vented enclosures for fireplaces. He noted that due to the modifications to Proffered Conditions 11 and 12, Proffered Conditions 13 and 14, as depicted in the staff report, had been renumbered as 12 and 13 in the addendum.

Mr. Andy Scherzer, the applicant's representative, did not accept staff's recommendation, noting the proposed zoning and land use conformed to the area Plan; the proffered conditions mitigated the development's impact on capital facilities; the proposed development was similar to other area development trends; and the concerns of area residents had been addressed.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Gecker, seconded by Mr. Wilson, the Commission resolved to recommend approval of Case 05SN0282 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

1. Public water and wastewater systems shall be used. (U)
2. Except for the timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Chesterfield County Environmental Engineering Department and the approved devices have been installed. (EE)
3. The Applicant, subdivider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of building permit, for infrastructure improvements within the service district of the Property:
 - a. \$11,500.00 per lot if paid prior to July 1, 2005; or
 - b. The amount approved by the Board of Supervisors not to exceed \$11,500.00 per lot adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2004 and July 1 of the fiscal year in which the payment is made, if paid after June 30, 2005.
 - c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)
4. The Property shall be subdivided into no more than 10 residential lots. (P)
5. The minimum gross floor area for each dwelling unit shall be 2,200 square feet. (P)

6. In conjunction with the recordation of the initial subdivision plat, thirty-five (35) feet of right-of-way on the west side of Winterfield Road, measured from the centerline of that part of Winterfield Road immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
7. There shall be no direct access from the property to Winterfield Road. (T)
8. In conjunction with development of the initial section, the developer shall be responsible for relocation of the ditch to provide an adequate shoulder, as determined by the Transportation Department, along the west side of Winterfield Road for the entire property frontage. The developer shall dedicate, free and unrestricted, to and for the benefit of Chesterfield County, any additional right-of-way (or easements) required for this improvement. (T)
9. All driveways shall be constructed of hard-surface materials, which may include asphalt, concrete, aggregate materials, brick or stone pavers, or similar materials or substances. (P)
10. All exposed portions above grade of the foundations of each dwelling shall be covered with brick, stone, or dryvit. (P)
11. In conjunction with the recordation of any subdivision plat, the following restrictive covenants shall be recorded:
 - a. All coal burning or wood burning fireplaces shall have brick or stone chimneys; gas or ornamental fireplaces may be wall-vented with no chimneys as allowed by applicable building codes; however, such vented enclosures shall not be cantilevered and must have a base to match the foundation. (P)
 - b. Except as stated herein, all dwellings that provide a garage shall employ a side or rear entry garage design; provided, however, if the provision of a side or rear entry garage cannot be reasonably or feasibly accomplished because of features on or around the lot, such as topography, utility and drainage features and easements, grading, or other applicable features or governmental requirements that would effectively prohibit the provision of safe access and orderly design of the lot if a side or rear garage design is employed, then a dwelling may employ a front entry garage. (P)
12. All lots shall have a minimum lot area of twenty thousand (20,000) square feet. (P)
13. A public water and sewer easement shall be provided through the development to existing Winterfield Road. (U)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

04SN0286: In Clover Hill Magisterial District, **MTV DEVELOPMENT COMPANY, LLC** requested rezoning and amendment of zoning district map from Agricultural (A) to Residential (R-12). Residential use of up to

3.63 units per acre is permitted in a Residential (R-12) District. The Comprehensive Plan suggests the property is appropriate for medium density residential use of 1.51 to 4.0 units per acre. This request lies on 8.1 acres fronting approximately 670 feet on the south line of Reams Road across from Heppel Road, also fronting approximately 185 feet on the east line of Adkins Road approximately 400 feet south of Reams Road. Tax ID 750-701-2244 (Sheet 6).

Ms. Rogers presented an overview of the request and staff's recommendation for approval, subject to the applicant addressing the impacts of the development on capital facilities, other than road infrastructure. She noted, in response to concerns expressed by the Clover Hill District Commissioner relative to proposed lot sizes, Proffered Condition 7 was revised to include a provision that the overall average lot size for the development would be 13,500 square feet. She added Proffered Condition 7 still provided that the development would be limited to a maximum of eighteen (18) units.

Mr. Richard Minter, the applicant's representative, did not accept staff's recommendation, noting the proposed zoning and land use conformed to the area Plan and that the proffered conditions adequately addressed both area road infrastructure improvements in the Reams/Adkins Roads area and area residents' concerns relative to those improvements.

Mr. Litton opened the discussion for public comment.

Ms. Andrea Epps, a Brandermill resident, asked that the Commission be cautious to not set a precedent for approval of requests that only addressed transportation improvements and did not provide appropriate allocations for other capital facilities such as schools, libraries, police and fire/emergency services needs.

Ms. Donna Gillis, a resident of Colony Subdivision, asked that the density of the proposed development be minimized and expressed concerns relative to the conditions of Reams and Adkins Roads, proposed widening improvements resulting in loss of property, density, the inability of area roads to accommodate increased traffic volumes, and the future direction of growth in the County.

There being no one else to speak, Mr. Litton closed the public comment.

There was discussion relative to right of way dedication along Reams and Adkins Roads; limited direct access of one (1) public road from the property to Adkins Road; construction of turn lanes along Reams Road at the intersections with Wadsworth Drive, Rosegill Road, Arch Hill Road and Adkins Road; use of the applicant's contribution of \$210,000 toward improvements to roads within Traffic Shed 4 or specifically to Reams Road; improvements needed to address safety and accommodate increased traffic generated by the development; current funding for the Reams Road turn lane project; and other issues of concern.

Messrs. Litton and Gecker expressed concerns relative to the applicant's cash contribution toward transportation infrastructure, noting that the applicant had not agreed to provide the typical on-site improvements.

Mr. Gulley stated he realized there may be a philosophical difference of opinion relative to the expenditure of the cash contribution; however, this particular corridor was of much concern to him given area road conditions and the statistics relative to accidents and fatalities. He stated he felt the safety concerns outweighed the allocation of monies to other capital facilities.

Mr. Litton stated he felt the developer should either agree to contribute monies toward the typical on-site road improvements in addition to the cash proffer amount or to provide those on-site road improvements.

Mr. Gulley made a motion to recommend approval of Case 04SN0286 and accept the following proffered conditions. His motion was seconded by Mr. Bass.

PROFFERED CONDITIONS

1. Public water and wastewater systems shall be used. (U)
2. At time of recordation of the initial subdivision section, the applicant, his successor, or his assigns shall either: (i) pay to Chesterfield County the sum of \$210,000.00; or (ii) provide Chesterfield County with a bond or surety, in a form acceptable to the County Attorney, in the amount of \$210,000.00 that shall provide for payment of the \$210,000.00 to Chesterfield County within thirty (30) days of a written request by the Transportation Department. The payment shall be used for road improvements within Traffic Shed 4, such as at the Reams Road/Adkins Road intersection, or for road improvements that provide relief to that Traffic Shed. (T&BM)
3. Except for timbering approved by the Virginia State Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the property until a land disturbance permit has been obtained from the Environmental Engineering Department and approved devices have been installed. (EE)
4. The minimum gross floor area for all dwelling units shall be 1800 square feet. (BI&P)
5. All exposed portions of the foundation of each dwelling unit and all exposed piers supporting front porches shall be faced with brick or stone veneer. (BI&P)
6. All streets within the development shall be constructed with curb and gutter. (P&EE)
7. A maximum of eighteen (18) dwelling units shall be permitted on the property. The overall average lot size shall be thirteen thousand five hundred (13,500) square feet. (P)
8. Manufactured homes shall not be permitted. (P)
9. There shall be no access to Reams Road except for the driveway which serves Tax ID 749-701-9156. (T)
10. Prior to recordation of the initial subdivision plat, the Reams Road at Adkins Road turn lane project shall be complete, as determined by the Transportation Department. (T&P)
11. Within the fifty (50) foot buffer required along Reams Road, a minimum four (4) foot high berm with 3:1 maximum side slopes and Perimeter Landscape C shall be provided. The grading and landscaping plan for such buffer area shall be submitted to the Planning Department for approval in conjunction with the tentative plat review. (P)

12. In conjunction with the recordation of the initial subdivision plat or within thirty (30) days of a request by the Transportation Department, whichever occurs first, thirty-five (35) feet of right-of-way on the east side of Adkins Road and forty-five (45) feet of right-of-way on the south side of Reams Road, measured from the centerlines of those roads immediately adjacent to the property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. (T)
13. Direct access from the property to Adkins Road shall be limited to one (1) public road. The exact location of this public road shall be approved by the Transportation Department. (T)

AYES: Messrs. Gulley and Bass
NAYS: Messrs. Wilson and Gecker.
ABSTENTION: Mr. Litton.

There vote being tied, Case 04SN0286 was carried forward to the August 16, 2005, Planning Commission public hearing.

05SN0263: In Bermuda Magisterial District, **RIVER FOREST DEVELOPMENT COMPANY, LLC** requested rezoning and amendment of zoning district map from Multifamily Residential (R-MF) and Community Business (C-3) to Multifamily Residential (R-MF) with Conditional Use Planned Development to permit exceptions to Ordinance requirements. Residential use of up to 10.0 units per acre is permitted in a Multifamily Residential (R-MF) District. The Comprehensive Plan suggests the property is appropriate for community mixed use uses. This request lies on 24.6 acres fronting approximately 660 feet on the east and west lines of South Chalkley Road approximately 1,130 feet south of Iron Bridge Road. Tax IDs 778-651-6195; 779-651-4095; and 779-652-Part of 6471 and 8201 (Sheet 26).

When asked, no one indicated opposition to the request.

Ms. Peterson presented an overview of the request and staff's recommendation for approval, subject to the applicant adequately addressing the impact of this development on capital facilities, setbacks for structures from commercial property to the north and the project focal point.

Mr. Ed Kidd, the applicant's representative, did not accept staff's recommendation, noting the proposal was essentially the same previously approved by the Commission and Board, except that property had been added to the development.

No one came forward to speak in favor of, or in opposition to, the request.

On motion of Mr. Wilson, seconded by Mr. Litton, the Commission resolved to recommend approval of Case 05SN0263 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

The Owners and the Developer, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County (the "Zoning Ordinance"), for themselves and their successors or assigns, proffer that the development of the property designated as Chesterfield County Tax IDs 778-651-6195, 779-651-4095, 779-652-8201 and a portion of 779-652-6471 containing a total of 24.6

acres (the "Property") under consideration will be developed according to the following proffered conditions if, and only if, the request for rezoning of the Property for RM-F with CUPD is granted. In the event the request is denied or approved with conditions not agreed to by the Developer, the proffered conditions shall be immediately null and void and of no further force or effect. If the zoning is granted, these proffered conditions will supersede all proffers and conditions now applicable to the Property.

1. Textual Statement. In conjunction with the approval of this request, the Textual Statement dated March 23, 2005 shall be approved. (P)
2. Dwelling Size and Building Materials.
 - a. Each dwelling unit constructed on the Property shall have a minimum gross floor area of one thousand three hundred fifty (1,350) square feet.
 - b. Not less than sixty (60) percent of the exposed portions of the exterior of each building constructed on the Property shall be constructed of brick veneer with the remainder of such exposed exterior portions being constructed of vinyl siding or cement board siding or other materials approved by the Planning Commission in connection with site plan review. Roofs shall be of asphalt shingles or other materials with a minimum life of 20 years. (P)
3. Density. A maximum of ninety six (96) dwelling units shall be developed on the Property. (P)
4. Focal Point/Recreation Areas.
 - a. Open space/recreation areas shall be provided on each of the east and west sides of South Chalkley Road to provide focal points as one enters each entrance to the Property from South Chalkley Road and to provide passive recreation areas. Such areas shall be "hardscaped" and have benches and other amenities that accommodate and facilitate gatherings and one of such areas will include a clubhouse building with a minimum gross floor area of two thousand (2,000) square feet. The two areas together shall contain a total of not less than one and one half (1.5) acres, the area including the clubhouse shall contain a not less than one (1) acre and the other area shall contain not less than one half (.5) acre. The exact design and location of such areas shall be approved by the Planning Department at the time of site plan review. Any clubhouse building shall be developed concurrent with the first phase of development.
 - b. Common area recreational amenities included within the Property shall be predominantly for adult use. Examples of possible amenities include swimming pools, putting greens, shuffleboard, park areas, picnic and barbecue areas and gardens. (P)
5. Sidewalks. Sidewalks shall be provided on both sides of all rights of way for Public Roads (as defined herein). To the extent allowed by VDOT, such sidewalks may be located within the rights of way for the Public Roads (as defined herein). In addition, a system of

walking trails or pathways shall be provided within the Property which trails or pathways shall have a minimum width of four (4) feet and shall be hardscaped with asphalt. (P)

6. Fence and Buffer.

a. A decorative fence shall be constructed along (i) the boundaries of the Property adjacent to South Chalkley Road (both sides) and (ii) along Branders Creek Drive for a distance of approximately two hundred forty (240) feet from South Chalkley Road. The exact design shall be approved by the Planning Department at the time of site plan review; provided, however, provision of a three (3) rail vinyl fence shall be deemed to satisfy this proffer.

b. A thirty (30) foot buffer shall be provided along the northern property line of the portion of the Property located east of Chalkley Road. This buffer shall comply with the requirements of the Ordinance for Sections 19-520 through 522 except that plant density shall be increased to one and one-half times that required for Perimeter Landscape C. A solid wood or vinyl privacy fence, a minimum of six (6) feet in height, shall be incorporated into this landscaped buffer along this northern property boundary. (P)

7. Street Trees. Street trees shall be installed along each side of the Public Roads (as defined herein) and along each side of common driveways within the Property. If existing trees are maintained, they may be counted toward this requirement. The exact location, spacing, size and species of plantings shall be approved by the Planning Department prior to final site plan approval. (P)

8. Landscaping. Landscaping shall be provided around the perimeter of all buildings, between buildings and driveways, within medians and within common areas not occupied by recreational facilities or other structures. Landscaping shall comply with the requirements of the Zoning Ordinance Sections 19-516 through 19-518(f). Landscaping shall be designed to (i) minimize the predominance of building mass and paved areas, (ii) define private spaces and (iii) enhance the residential character of the development. The Planning Department, at the time of site plan review, shall approve the landscaping plan with respect to the exact numbers, spacing, arrangement and species of plantings. (P)

9. Driveways. All private driveways shall be hardscaped with asphalt, concrete or aggregate. (P)

10. Garages. At least sixty (60) percent of the door openings of garages within the Property shall be oriented in a manner so as not to be directly visible from the Public Roads (as defined herein). (P)

11. Utilities. The public water and wastewater systems shall be used. (U)

12. Concrete Curb and Gutter. Concrete curb and gutter shall be installed within the Public Roads (as herein defined). (EE)

13. Timbering. Except for Timbering approved by the Virginia Department of Forestry for the purpose of removing dead or diseased trees, there shall be no timbering on the Property until a land disturbance permit has been obtained from the Environmental Engineering Department. (EE)
14. Drainage. No impervious areas from buildings or paved areas used for vehicular traffic shall drain across the eastern boundary of the property adjacent to the Carver Home Sites subdivision. (EE)
15. Virginia Condominium Act. All dwelling units on the Property shall be condominiums as defined and regulated by the Virginia Condominium Act, and all common areas and improvements therein shall be maintained by a condominium association. (P)
16. Cash Proffer. The applicant, subdivider, or assignee(s) shall pay the amounts set forth below to the County of Chesterfield, prior to the issuance of a building permit for each new dwelling unit for infrastructure improvements within the service district for the Property:
 - A. For all dwelling units initially constructed with more than two (2) bedrooms:
 1. \$11,500.00 per dwelling unit, if paid prior to July 1, 2005.
 2. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$11,500.00 per dwelling unit as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2004 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
 - B. For all dwelling units initially constructed with two (2) or fewer bedrooms:
 1. \$5,991 per dwelling unit, if paid prior to July 1, 2005.
 2. Thereafter, such payment shall be the amount approved by the Board of Supervisors not to exceed \$5,991.00 per unit (prorated as set forth below) as adjusted upward by any increase in the Marshall and Swift Building Cost Index between July 1, 2004 and July 1 of the fiscal year in which the payment is made if paid after June 30, 2005.
 3. At the time of payment, the \$5,991.00 will be allocated pro-rata among the facility costs as follows: \$786.00 for parks and recreation, \$402.00 for library facilities, \$4,380.00 for roads, and \$423.00 for fire stations. Payments in excess of \$5,991.00 shall be prorated as set forth above.
 - C. Building plans submitted for building permits shall designate the number of bedrooms in each dwelling unit.
 - D. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. Should Chesterfield County impose impact fees at any time

during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees in a manner as determined by the County.

17. Transportation.

- a. Prior to any site plan approval, forty-five (45) feet of right-of-way on the north side of Carver Heights Drive, measured from the centerline of that part of Carver Heights Drive, immediately adjacent to the Property, shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County.
- b. To provide for an adequate roadway system, the Developer shall be responsible for the following:
 1. Construction of two (2) additional lanes of pavement along South Chalkley Road, to VDOT Urban Minor Arterial (50 MPH) standards with modifications approved by the Transportation Department, from its current four (4) lane section to Branders Creek Drive to provide a four (4) lane divided facility.
 2. Construction of a two (2) lane road for extension of South Chalkley Road ("South Chalkley Extended"), to VDOT Urban Minor Arterial (50 MPH) standards with modifications approved by the Transportation Department, from Branders Creek Drive to Carver Heights Drive.
 3. Relocation of the ditch along the north side of Carver Heights Drive to provide an eight (8) foot wide unpaved shoulder, with modifications approved by the Transportation Department, from South Chalkley Extended, eastward, for the entire property frontage.
 4. Construction of additional pavement along South Chalkley Extended at each approved access to provide left and right turn lanes, based on Transportation Department standards.
 5. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the road improvements described above.

Prior to any site plan approval, a phasing plan for the required road improvements, as identified above, shall be submitted to and approved by the Transportation Department.

- c. Direct access from the Property to South Chalkley Road shall be limited to one (1) public road on each of the east and west sides of South Chalkley Road. The exact location of these accesses shall be approved by the Transportation Department. No direct access shall be provided from the Property to Branders Creek Drive or to Carver Heights Drive.

- d. All roads that accommodate general traffic circulation through the Property (the "Public Roads"), as determined by the Transportation Department, shall be designed and constructed to VDOT standards and taken into the State System. Setbacks from the Public Roads shall be as identified for special access streets pursuant to Section 19-505(b) of the Zoning Ordinance. (T)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

05SN0280: In Clover Hill Magisterial District, **THE ARGENT GROUP** requested Conditional Use Planned Development and amendment of zoning district map to allow a second freestanding identification sign. The density of such amendment will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for general commercial use. This request lies on 4.8 acres fronting approximately 450 feet on the south line of Midlothian Turnpike approximately 140 feet east of Research Road, also fronting approximately ninety (90) feet on the east line of Research Road approximately 300 feet south of Midlothian Turnpike. Tax IDs 743-708-4366, 4688, 5588, 6368, 6883, 7498 and 7869 (Sheet 6).

Ms. Peterson presented an overview of the request and staff's recommendation for denial, noting the applicant had not agreed to bring existing signage into compliance with today's standards; the current sign standards provided adequate identification for uses on the property; and approval of the request could encourage other businesses to seek similar exceptions.

Mr. Andy Scherzer, the applicant's representative, did not accept staff's recommendation, noting the applicant had reduced the number of signs along Route 60 by eliminating a billboard/other signs and bringing forward a cohesive sign plan and that the applicant's request for a modest identification sign was reasonable.

No one came forward to speak in favor of, or in opposition to, the request.

In response to questions from Mr. Gulley, Mr. McCracken addressed area traffic volumes and area redevelopment improvements as it related to road improvements.

In response to a question from Mr. Gulley, Mr. Scherzer stated the condition suggested by Mr. Gulley was acceptable.

On motion of Mr. Gulley, seconded by Mr. Gecker, the Commission resolved to recommend approval of Case 05SN0280, subject to the following condition:

CONDITION

A freestanding sign identifying the project shall be permitted on Research Road. Such sign shall not exceed thirty (30) square feet in area and eight (8) feet in height. (P)

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

F. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Gecker, seconded by Mr. Wilson, that the meeting adjourned at approximately 8:30 p. m. to August 16, 2005, at 12:00 Noon, in Room 502 of the Administration Building at the Chesterfield County Government Complex.

AYES: Messrs. Litton, Wilson, Gulley, Bass and Gecker.

Chairman/Date

Secretary/Date